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In re: EAST COAST SANITATION CO., INC.

Case No: 09-30888 (DHS)

Caption of Order: **ORDER AUTHORIZING (i) SALE OF CERTAIN PROPERTY OF THE ESTATE PURSUANT TO 11 U.S.C. §362, (ii) ASSUMPTION AND ASSIGNMENT OF CERTAIN EXECUTORY CONTRACTS PURSUANT TO 11 U.S.C. §365, (iii) REJECTION OF CERTAIN EXECUTORY CONTRACTS PURSUANT TO 11 U.S.C. §365, AND (iv) ABANDONMENT OF CERTAIN PROPERTY OF THE ESTATE PURSUANT TO 11 U.S.C. §554**

assignment including any penalties or other amounts claimed as due under such contracts.

7. None of the parties to the contracts assumed by the Trustee and assigned to ~~Suburban Disposal~~ <sup>Smentkowski</sup> may seek to cancel those contracts based upon (1) the assignment herein to the buyer; (2) the Debtor's delay in providing replacement performance bonds for the continuation of the contracts prior to their assignment; or (3) any other prior defaults or breaches by the Debtor under those contracts.

8. The Debtor's contract with the Town of Harrison for the collection and disposal of solid waste and recyclable materials is rejected pursuant to 11 U.S.C. §365(a) and neither the Trustee, the Debtor, the Debtor's estate nor ~~Suburban Disposal~~ <sup>Smentkowski</sup> shall have any continuing obligation to perform under the terms of those contracts. Any claims asserted by the Town of Harrison arising from the rejection of that contract are to be filed with the Clerk of the Bankruptcy Court, 50 Walnut Street, Newark, New Jersey 07102, and served upon the Trustee no later than sixty (60) days subsequent to the entry of this Order. <sup>Effective as of the closing on the above sale</sup>

9. All unexpired leases of equipment to which the Debtor was a party are rejected pursuant to 11 U.S.C. §365(a) and the owners of any equipment under those leases <sup>all assets not sold by the Trustee herein are abandoned</sup> <sup>secured creditors with respect to those assets</sup> be and hereby are authorized to recover their equipment or collateral, as the case may

be, without further notice to creditors or order of the Court.

10. In the event that Smentkowski fails to close on the sale pursuant to this order, the Trustee is authorized to sell, assume + assign the above assets to Suburban Disposal, Inc. pursuant to the same terms as the sale to Smentkowski at any time on December 7, 2009 for the sum of \$100,000